

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2009**

Court convened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Aronson, J., and Fybel, J. Denise Massey, deputy clerk attending.

G040376 LESLIE RAND-LUBY ET AL.
 v.
 AARON'S ENVIRONMENTAL SERVICE

Merits called. Timothy D. Rand-Lewis argued for appellants. Brian P. Stewart argued for respondent. Cause submitted.

G040241 WESTON JOHNSON ET AL.
& v.
G040433 SHAHIN MOSAFERI ET AL.

Merits called. Danforth F. Lincoln argued for appellants. Michael D. McCaffrey argued for respondents. Cause submitted.

G040071 MARIE TYLER-GARCIA
 v.
 PHILLIP GARCIA

Merits called. Lisa Hughes argued for appellant. William J. Kopeny argued for respondent. Submission deferred pending consideration of appellant's request.

G040262 DOROTHY MARLOW
 v.
 MGE UPS SYSTEMS, INC. ET AL.

Merits called. Mitchel A. Brim argued for appellant. Alaya B. Myers argued for respondents. Cause submitted.

G041174 RICHARD OSMAN
 v.
 CYPRUS SHORE COMMUNITY ASSOCIATION

Merits called. Lee H. Roistacher argued for appellant. Wayne W. Call argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2009 (cont'd)**

G039649 THE PEOPLE
 &
G040003 v.
 BRUCE R. SENATOR

Order filed. The petition for rehearing is denied.

ARONSON, ACTING P. J.

We concur: FYBEL, J.
 IKOLA, J.

G039798 MADISON HARBOR, ALC Not for publication
 v.
 TU MY TONG

Opinion filed. The postjudgment order is affirmed.

IKOLA, J.

We concur: RYLAARSDAM, ACTING P. J.
 O'LEARY, J.

G040880 MILES WHITAKER Not for publication
 v.
 A&E TELEVISION NETWORKS et al.

Opinion filed. The judgment is affirmed.

O'LEARY, J.

We concur: SILLS, P. J.
 BEDSWORTH, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 18, 2009 (cont'd)**

G040988 SUSAN CALWELL Not for publication
 v.
 DARBY CALWELL

Opinion filed. The order is affirmed.

O'LEARY, J.

We concur: SILLS, P. J.
 BEDSWORTH, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2009**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., O’Leary, J., and Ikola, J. Toni Cajigal, deputy clerk attending.

G041139 STEVEN SPEER et al.
 v.
 MICHAEL A. WEISS

Merits. Cause called. Michael Weiss argued for appellant. James Alquist argued for respondent. Cause submitted.

G040506 SCHRENKER LAW FIRM APC et al.
 v.
 JOHN M. HEURLIN

Merits. Cause called. John M. Heurlin argued for appellant. Garrett S. Gregor argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2009 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J., Bedsworth, J. O'Leary, J., Moore, J., Fybel, J. and Ikola, J. Toni Cajigal, deputy clerk attending.

G040397 DANA R. FIOLA
 v.
 JEAN M. LABARBERA et al.

Merits. Cause called. Appellant Dana R. Fiola argued in propria persona. Respondent Emily I. Zimmer argued in propria persona. Cause submitted.

G039735 THE PEOPLE
 &
 v.
G040934 RAY HERNANDEZ

Merits. Cause called. Sylvia W. Beckham argued for appellant. Gary Brozio, Deputy Attorney General argued for respondent. Cause submitted.

G041255 YAMAHA MOTOR CO. LTD.
 v.
 SUPERIOR COURT; JACK CONNORS et al.

Merits. Cause called. Brian M. Hoffstadt argued for petitioner. Richard P. Kinnan argued for real parties in interests. Cause submitted.

G041634 THE COLEMAN CO., INC.
 v.
 SUPERIOR COURT; TREVOR D. et al.

Merits. Cause called. Jules S. Zeman argued for petitioner. Brian D. Chase argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2009 (cont'd)**

G040206 THE PEOPLE Not for publication
 v.
 MARIO V. GONZALEZ

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: SILLS, P. J.
 O'LEARY, J.

G040265 THE PEOPLE Not for publication
 v.
 JOSE L. LOPEZ

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: SILLS, P. J.
 O'LEARY, J.

G040474 THE PEOPLE
 v.
 JOHN P. MENDOZA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040505 THE PEOPLE
 v.
 LAURA P. HERNANDEZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 19, 2009 (cont'd)**

G040529 THE PEOPLE Not for publication
 v.
 JAMES L. VANDENBURG

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: SILLS, P. J.
 BEDSWORTH, J.

G040863 KATHRYN A. LUND
 v.
 EARL E. LUND, JR.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041642 KEITH R. Not for publication
 v.
 THE SUPERIOR COURT OF CALIFORNIA;
 H.R.

Opinion filed. The petition is granted.

BY THE COURT

Before RYLAARSDAM, ACTING P. J., FYBEL, J. and IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2009**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J., Bedsworth, J., O’Leary, J., and Moore, J. Toni Cajigal, deputy clerk attending.

G040632 KUO-LING CHANG
 v.
 HAO-CHENG LIU

Merits. Cause called. Richard A. Derevan argued for appellant. Jeffrey W. Doeringer argued for respondent. Cause submitted.

G041126 JOSEPH A. APOSTOL
 v.
 KENNETH HAYASHIDA et al.

Merits. Cause called. Kenneth J. Wenzel argued for appellants. Frank A. Conner argued for respondent. Cause submitted.

G040242 ELIAZAR ZARAGOZA
 v.
 MARIA IBARRA

Merits. Cause called at 9:58 a.m. No appearance by counsel Alex A. Motamedi for appellant. Ron F. Gurvitz argued for respondent. Cause submitted.

G036716 THE PEOPLE
 v.
 JEFFREY A. HAMBARIAN

Merits. Cause called. Mark J. Geragos argued for appellant. Theodore Cropley, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2009 (cont'd)**

G039258 ANTONIO MEDINA
 v.
 CITIBANK WEST

Merits. Cause called. Appellant Antonio Medina argued in propria persona.
Sandra S. Wetzler argued for respondent.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2009 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Moore, J, and Ikola, J. Toni Cajigal, deputy clerk attending.

G040704 RYAN W.
 v.
 LA HABRA CITY SCHOOL DISTRICT

Merits. Cause called. David M. Ring argued for appellant. Kristine Exton argued for respondent. Cause submitted.

G040974 ELLIOT HOROWITZ
 v.
 ORANGE COUNTY et al.

Merits. Cause called. Ronald B. Funk argued for appellant. Ashley N. Pritchett argued for respondent. Cause submitted.

G040896 SCHOOL DISTRICT CONSTRUCTION CASES

Merits. Cause called. John A. Gladych argued for appellant Franklin Reinforcing Steel Co., Inc. Alexander Bannon argued for respondent Thompson Pacific Construction, Inc. Cause submitted.

G040946 VICTORIA MURRAY
 v.
 THE REGENTS OF THE UNIVERSITY OF
 CALIFORNIA

Merits. Cause called. Bruce M. Brusavich argued for appellant. Jeffrey A. Miller argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2009 (cont'd)**

G040018 THE PEOPLE
 v.
 NAVUEN RITH

Order filed. Order modifying opinion and denying rehearing; no change in judgment.

ARONSON, J.

We concur: BEDSWORTH, ACTING P. J.
 O'LEARY, J.

G040047 COUNTY OF ORANGE Not for publication
 v.
 INDIANA LUBERMENS MUTUAL
 INSURANCE COMPANY

Opinion filed. The order and judgment are affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P. J.
 MOORE, J.

G040200 THE PEOPLE Certified for publication
 v.
 ROBERT L. CADOGAN

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P. J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2009 (cont'd)**

G040315 THE PEOPLE Not for publication
 v.
 RICHARD JUNG

Opinion filed. The judgment is affirmed.

FYBEL, J.

We concur: O'LEARY, ACTING P. J.
 MOORE, J.

G040488 THE PEOPLE Not for publication
 v.
 FAIRMONT SPECIALTY GROUP

Opinion filed. The judgment is affirmed.

BY THE COURT

Before SILLS, P. J., RYLAARSDAM, J. and MOORE, J.

G040964 THE PEOPLE Not for publication
 v.
 FREYDY N. OSORIO

Opinion filed. The judgment is affirmed.

MOORE, J.

We concur: RYLAARSDAM, ACTING P. J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 20, 2009 (cont'd)**

G041670 ORANGE COUNTY SOCIAL
 & SERVICES AGENCY
G042018 v.
 X.J. et al.

Order filed. The petitioner's request to consolidate case number G041670 and G042018 is granted. The cases are hereby consolidated for briefing and argument.

SILLS, P. J.

G041784 DARRELL M. et al. Not for publication
 v.
 THE SUPERIOR COURT OF CALIFORNIA;
 ORANGE COUNTY SOCIAL SERVICES
 AGENCY et al.

Opinion filed. The petitions for writ of mandate/prohibition are denied.

RYLAARSDAM, ACTING P. J.

We concur: MOORE, J.
 IKOLA, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Moore, Acting P. J, Aronson, J. and Ikola, J. Shahira Naqshbandy, deputy clerk attending.

G040385 THE PEOPLE
 v.
 MIA. G. CASASANTA

Merits. Cause called. Jeffrey H. Friedman argued for appellant. Lynn McGinnis argued for respondent. Cause submitted.

G040560 THE PEOPLE
 v.
 S. S.

Merits. Cause called. Robert S. Hanna argued for appellant. Lynn McGinnis argued for respondent. Cause submitted.

G041039 PATRICIA LADNER
 v.
 MARC TOW ET AL.

Merits. Cause called. Ashish A. Patel argued for appellants. Andrew Y. Prochnow argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J, Rylaarsdam, J. and Fybel, J. Toni Cajigal, deputy clerk attending.

G041439 THE PEOPLE
 v.
 RUFUS R. SHAW et al.

Merits. Cause called. Barbara A. Smith argued for appellant Rufus Shaw. No appearance by counsel Jerry D. Whatley for appellant Anthony Cook. Marissa Bejarano, Deputy Attorney General argued for respondent. Cause submitted.

G040666 THE PEOPLE
 v.
 K.F.

Merits. Cause called. David K. Ries argued for appellant. Peter Quon, Deputy Attorney General argued for respondent. Cause submitted.

G040991 THE PEOPLE
 v.
 JOSEPH C. CANNAN

Merits. Cause called. Melissa Hill argued for appellant. Angela Borzachillo, Deputy Attorney General argued for respondent. Cause submitted.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G041339 CLADIO PARADA et al.
 v.
 SUPERIOR COURT; MOEX DEPOSIT COMPANY

Merits. Cause called. Sheldon M. Jaffe argued for petitioner. Neil A. Goteiner argued for real party in interest. Seth M. Nadler certified law student argued for amicus curiae Cornell Law School Securities Law Clinic with Robert Uhl designated as the supervising attorney. Cause submitted.

G041708 THE PEOPLE
 v.
 CARLOS V. BENITEZ

Merits. Cause called. Matt D. Reilly, Riverside Deputy District Attorney argued for appellant. Kevin D. Sheehy argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G039645 THE PEOPLE
 v.
 PATRICK PARASSON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039821 ROBERT UTGARD et al.
 v.
 INTERNATIONAL UNION OF OPERATING
 ENGINEERS LOCAL 12 et al.

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039836 THE PEOPLE
 v.
 OTIS D'ANDRE HART

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G039852 THE PEOPLE
 v.
 KELLY MORGAN CULVER

Not for publication

Opinion filed. The judgment is reversed.

IKOLA, J.

We concur: SILLS, P. J.
 RYLAARSDAM, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G040038 EL CENTRO MALL, LLC
 v.
 PAYLESS SHOESOURCE, INC.

Order filed. Order modifying opinion and granting request for publication; no change in judgment.

ARONSON, J.

We concur: RYLAARSDAM, ACTING P. J.
 MOORE, J.

G040185 THE PEOPLE
 v.
 QUOC NGUYEN NGUYEN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040280 THE PEOPLE
 v.
 FREDDY G. VASQUEZ

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040295 THE PEOPLE
 v.
 ROBERT D. ROTTINO

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G040378 THE PEOPLE
 v.
 LANITA M. CHAVERS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040491 THE PEOPLE
 v.
 ADAM LUERAS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040452 THE PEOPLE
 v.
 STEPHEN S. MILLER

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040547 THE PEOPLE
 v.
 JORGE L. PORTILLO

Not for publication

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: O'LEARY, ACTING P. J.
 MOORE, J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G040579 THE PEOPLE
 v.
 LARRY O. BOLIN

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040583 THE PEOPLE
 v.
 ANTHONY CALDERA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040624 THE PEOPLE
 v.
 HERMAN M. CHAMBERS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040625 THE PEOPLE
 v.
 JOSE I. AVINA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040672 THE PEOPLE
 v.
 LEONARD W. GORDON

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G040733 THE PEOPLE
v.
ROBERT E. HURST

SILLS, P. J.

Opinion filed. The judgment is reversed.

IKOLA, J.

G040885 GLEN BROOKS
v.
WILLIAM D. DINOSO

SILLS, P. J.

Order filed. The above entitled cause is ordered submitted this date.

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**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G041322 THE PEOPLE Not for publication
v.
LUIS ALFREDO BOLANOS

Opinion filed. The judgment is affirmed.

IKOLA, J.

We concur: SILLS, P. J.
RYLAARSDAM, J.

G041417 THE PEOPLE
v.
DANIEL DICKEY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041511 RICHARD A. LEE et al.
v.
THE SUPERIOR COURT OF CALIFORNIA;
THE PEOPLE

Order filed. The court on it's own motion and for good cause, orders case numbers G041523, G041524, G041525, and G041526 consolidated with case number G041511 for purposes of oral argument and decision on appeal.

SILLS, P. J.

G041706 THE PEOPLE
v.
STEPHEN P. JULIUS

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 21, 2009 (cont'd)**

G041709 THE PEOPLE
 v.
 JASON S. KIRKLEY

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

G041716 THE PEOPLE
 v.
 ROBERT GARCIA

Order filed. The above entitled cause is ordered submitted this date.

SILLS, P. J.

**State of California, Court of Appeal
Fourth Appellate District, Division 3
May 22, 2009**

G040860 THE PEOPLE
 v.
 MARK WILSON

Order filed. On the court's own motion and for good cause the submission order filed on 4-23-09, is hereby vacated per C.R.C. rule 8.256(e)(1), further briefing ordered.

SILLS, P. J.